



## **City Commission Meeting**

### **ADDENDUM MATERIAL 2**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
July 8, 2015**

Mayor Philip Levine  
Vice-Mayor Edward L. Tobin  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Micky Steinberg  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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#### **ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

#### **ADDENDUM AGENDA**

##### **C7 - Resolution**

- C7P** Request For Authorization To Direct The Transportation Department To Conduct A Traffic Study On West 62<sup>nd</sup> Street Between Alton Road And La Gorce Drive Due To Speeding Cars.  
(Sponsored by Commissioner Joy Malakoff)

##### **R5 - Ordinances**

- R5S** An Ordinance Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," Article II, "Care And Maintenance Of Trees And Plants," Division 2, "Trees"; At Section 46-59 Entitled "Tree Work Permit Application Processing, Requirements, And Review" To Authorize The City Commission To Adopt By Resolution, A Fee Schedule Relating To Implementing The Tree Code; Providing For Repealer; Codification; Severability; And An Effective Date.

##### **First Reading**

(Sponsored by Commissioner Joy Malakoff)  
(Legislative Tracking: Public Works)

**R9 - New Business and Commission Requests**

R9Q Discussion Regarding Arsenic Levels In The Sand Of Our Beaches.  
(Sponsored by Commissioner Deede Weithorn)

R9R Discussion Regarding Proposed Resolution Instructing The City Manager To Take All Necessary Actions To Participate In The Sewage Waste Contract Agreement, That Will Move An Estimated Additional 198,018 Gallons Per Day Of Sewage Waste From The Watson Island Project To Be Treated At The Virginia Key Facility, As The Aging Sewer Infrastructure Puts Biscayne Bay And Miami Beach In Jeopardy.  
(Sponsored by Vice-Mayor Edward L. Tobin)



OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager  
FROM: Joy V. W. Malakoff, Commissioner  
DATE: July 2, 2015  
SUBJECT: Request for Authorization to Direct the Transportation Department to Conduct a Traffic Study on West 62nd Street between Alton Road and La Gorce Drive due to Speeding Cars

Please place the above item on the July 8, 2015 City Commission Consent Agenda.

If you have any questions, please contact me at extension 6622.

JVWM

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**Condensed Title:**

An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 46 Of The Miami Beach City Code, Entitled "Environment," Article Ii, "Care And Maintenance Of Trees And Plants," Division 2, "Trees"; At Section 46-59 Entitled "Tree Work Permit Application Processing, Requirements, And Review" To Authorize The City Commission To Adopt By Resolution, A Fee Schedule Relating To Implementing The Tree Code; Providing For Repealer; Codification; Severability; And An Effective Date

**Key Intended Outcome Supported:****Item Summary/Recommendation:**

On November 19, 2014 the City of Miami Beach passed the Tree Ordinance which serves as the official guideline for all tree relocations, removals, remediation, and special tree designations within the City's boundaries. On June 1, 2015 Miami-Dade County officially notified the City of Miami Beach that it will no longer regulate tree resources within the City beginning June 15, 2015, in order to allow the City to assume this regulatory responsibility pursuant to Chapter 24 of the Miami-Dade County Code. Part of the City's regulatory responsibility is to charge fees for the various applications, permits, and reviews necessary to run the Tree Preservation Permitting Program.

**CURRENT STATUS**

As of June 15, 2015, the City of Miami Beach Department of Public Works assumed responsibility for enforcing the Tree Ordinance (No. 2014-3904) from Miami-Dade County. The Greenspace Management Division of the Public Works Department has established a Tree Preservation Permitting Program which receives and processes applications for the performance of tree related work within the City. In order for this program to function as intended, it is necessary to collect fees associated with the types of services and permits that the Program offers in order to recover the costs associated with providing these services.

In discussions with Miami-Dade County it was revealed that they are having a difficult time covering their costs with their present fee schedule. Considering labor costs and the time required to perform site inspections, plan reviews, and various administrative tasks, it was determined that the proposed Tree Preservation Permit Program's fees would need to be considerably more than the fee amount currently charged by Miami-Dade County to provide similar services.

Since this is a new program, we are unsure of what actual costs will be. As a result, we recommend incorporating the Ordinance that fees can be changed by Resolution so that if adjustments are needed, they can be accomplished efficiently.

**THE ADMINISTRATION RECOMMENDS ADOPTING THE ORDINANCE.****Advisory Board Recommendation:****Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
	2			
OBPI	Total			

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Eric Carpenter, Public Works X6012

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
ETC <i>[Signature]</i>	MT <i>[Signature]</i>	JLM <i>[Signature]</i>

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PUBLIC WORKS DEPARTMENT

## COMMISSION MEMORANDUM

TO: Mayor Phillip Levine and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: July 8, 2015

SUBJECT: **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," ARTICLE II, "CARE AND MAINTENANCE OF TREES AND PLANTS," DIVISION 2, "TREES"; AT SECTION 46-59 ENTITLED "TREE WORK PERMIT APPLICATION PROCESSING, REQUIREMENTS, AND REVIEW" TO AUTHORIZE THE CITY COMMISSION TO ADOPT BY RESOLUTION, A FEE SCHEDULE RELATING TO IMPLEMENTING THE TREE CODE; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.**

### **BACKGROUND**

On November 19, 2014 the City of Miami Beach passed the Tree Ordinance which serves as the official guideline for all tree relocations, removals, remediation, and special tree designations within the City's boundaries. On June 1, 2015 Miami-Dade County officially notified the City of Miami Beach that it will no longer regulate tree resources within the City beginning June 15, 2015, in order to allow the City to assume this regulatory responsibility pursuant to Chapter 24 of the Miami-Dade County Code. Part of the City's regulatory responsibility is to charge fees for the various applications, permits, and reviews necessary to run the Tree Preservation Permitting Program.

### **CURRENT STATUS**

As of June 15, 2015, the City of Miami Beach Department of Public Works assumed responsibility for enforcing the Tree Ordinance (No. 2014-3904) from Miami-Dade County. The Greenspace Management Division of the Public Works Department has established a Tree Preservation Permitting Program which receives and processes applications for the performance of tree related work within the City. In order for this program to function as intended, it is necessary to collect fees associated with the types of services and permits that the Program offers in order to recover the costs associated with providing these services.

In discussions with Miami-Dade County it was revealed that they are having a difficult time covering their costs with their present fee schedule. Considering labor costs and the time required to perform site inspections, plan reviews, and various administrative tasks, it was determined that the proposed Tree Preservation Permit Program's fees would need to be considerably more than the fee amount currently charged by Miami-Dade County to provide similar services. Below is the proposed schedule of fees:

### TREE PRESERVATION PERMIT FEE SCHEDULE

ZONING OF PROPERTY	PLAN REVIEW COSTS	INSPECTION COSTS
Single Family / Residential	\$184	\$88 site inspection + \$24 per tree
Multi-Family	\$228	\$88 site inspection + \$24 per tree
Business	\$272	\$88 site inspection + \$24 per tree
Commercial	\$272	\$88 site inspection + \$24 per tree
Right-of Way/Swale	\$184	\$88 site inspection + \$12 per tree

For After-the-Fact (ATF) tree removal/relocation permits, the application and the per tree(s) fees are doubled (x2). In order to renew/extend a permit you will be required to pay one half of the original application fee amount prior to the expiration of the current permit.

Since this is a new program, we are unsure of what actual costs will be. As a result, we recommend incorporating the Ordinance that fees can be changed by Resolution so that if adjustments are needed, they can be accompanied efficiently.

#### **CONCLUSION**

The Administration recommends approving the Ordinance.

JLM/MT/ETC/JJF/RK

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ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 46 OF THE MIAMI BEACH CITY CODE, ENTITLED "ENVIRONMENT," ARTICLE II, "CARE AND MAINTENANCE OF TREES AND PLANTS," DIVISION 2, "TREES"; AT SECTION 46-59 ENTITLED "TREE WORK PERMIT APPLICATION PROCESSING, REQUIREMENTS, AND REVIEW" TO AUTHORIZE THE CITY COMMISSION TO ADOPT BY RESOLUTION, A FEE SCHEDULE RELATING TO IMPLEMENTING THE TREE CODE; PROVIDING FOR REPEALER; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission declares that it is in the public health, safety and welfare, and the interest of the citizens of Miami Beach, to establish policies, regulations and standards to ensure its residents and visitors will realize the full benefits of a healthy, well-managed urban forest; and

**WHEREAS**, in 2014, the City Commission recognized that specific changes were needed to the City's Code in order to protect the existing tree canopy in the City and to ensure additional tree canopy, and as a result, the City created a new Tree Code, codified at Chapter 46, Article II; and

**WHEREAS**, enhanced guidelines were created to define required tree protection measures to be undertaken on designated construction sites; and

**WHEREAS**, the City also established a Heritage Tree designation process to recognize and protect trees of unique character and high value, and also provided a strong mechanism to help prevent any unauthorized removals of these trees and understory; and

**WHEREAS**, the City also created a Specimen Tree designation which would include all trees with a diameter breast height (dbh) of 12 inches and above, to also include increased canopy mitigation and monetary contribution requirements for any Specimen tree impacts; and

**WHEREAS**, the City also created enforcement provisions concerning the trimming, spraying, removal, planting, pruning, cutting and protection of trees Citywide, and established appropriate fines and penalties; and

**WHEREAS**, based upon the adoption of the Tree Code, in June 2015, the City also took over all oversight responsibilities relating to trees from Miami-Dade County Department of Environmental Protection; and

**WHEREAS**, the City now desires to establish application fees to cover the costs associated with implementing Chapter 46, Article II.

**WHEREAS**, the City Commission desires to Amend Chapter 46, Article II at Section 46-59(5) to provide for the City Commission to adopt, by Resolution, a fee schedule relating to implementing the ordinance, and the below amendment accomplishes the above objective.



NOW, THEREFORE, BE IT DULY ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

**SECTION 1.** That Article II, entitled, "CARE AND MAINTENANCE OF TREES AND PLANTS," of Chapter 46 of the Miami Beach City Code, Division 2 thereof, entitled "TREES", at Section 46-59, entitled "Tree work permit application processing, requirements and review" is hereby amended as follows:

## CHAPTER 46 ENVIRONMENT

\* \* \*

### ARTICLE II. CARE AND MAINTENANCE OF TREES AND PLANTS

\* \* \*

#### DIVISION 2. TREES PRESERVATION AND PROTECTION

\* \* \*

#### **Sec. 46-59. - Tree work permit application processing, requirements, and review.**

(1) Permit, when required. A tree work permit shall be required:

\* \* \*

(5) Fees. Fees for tree work permits shall be established by the city commission via resolution. Applications from government agencies for tree removals solely in areas dedicated to public use may, at the discretion of the city commission, be exempted from application and permit fees.

\* \* \*

#### **SECTION 2. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

**SECTION 3. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

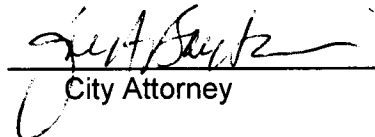
**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Philip Levine, Mayor

**ATTEST:**

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO FORM  
AND LANGUAGE  
AND FOR EXECUTION

 7-2-2015  
\_\_\_\_\_  
City Attorney Date

First Reading: July 8, 2015  
Second Reading: September 2, 2015

Underline = new language  
~~Strikethrough~~ = deleted language

[Sponsored by Commissioner Malakoff]



OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy L. Morales, City Manager  
FROM: Deede Weithorn, Commissioner  
DATE: July 6, 2015  
SUBJECT: Discussion Item - regarding arsenic levels in the sand

Please place on the July 8, 2015 City Commission agenda a discussion item regarding arsenic levels in the sand of our beaches.

If you have any questions, please contact me at extension 6528.

Layda Hernandez  
On behalf of Commissioner Weithorn

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# MIAMI BEACH

OFFICE OF THE MAYOR AND COMMISSION

## MEMORANDUM

TO: Jimmy Morales, City Manager

FROM: Ed Tobin, Commissioner

DATE: July 6<sup>th</sup>, 2015

SUBJECT: Agenda item for July 8th, 2015 City Commission Meeting

Please place on the July 8th , 2015 Agenda for City Commission Meeting a discussion regarding suggested resolution (attached).

The Watson Island Project is projected to add 198,018 gallons of sewage per day required to be treated at the Virginia Key facility.

The aging sewer infrastructure puts Biscayne Bay and Miami Beach in jeopardy.

If you have any questions please do not hesitate to call our office.

Best Regards,

Dessiree Kane  
on behalf of Commissioner Ed Tobin

July 5, 2015

MEMO FOR: City Clerk, Rafael Granado

FROM: Commissioner Ed Tobin

SUBJ: Proposed Resolution for July 8, 2015 City Commission Agenda

Please add the attached proposed Resolution for consideration by the city commission at its July 8, 2015 meeting.

It has been brought to my attention by the Coalition for Causeway Chaos that on June 25, the Miami City Commission authorized its city manager to negotiate a three-party agreement to move sewage waste that would be created by the Watson Avenue Flagstone development, under Government Cut and Biscayne Bay to the county sewage processing facility on Virginia Key. The parties to the agreement would consist of the City of Miami, Miami-Dade County, and the Flagstone development entity. ["Draft Agreement: Island Gardens at Watson Island, ID# 192402a].

The sewage waste expected to be generated by the development would add an estimated 198,018 gallons of sewage per day to that already produced by other uses on Watson Island, for treatment at the County's Virginia Key sewage facility. [Exhibit "C" of proposed agreement, attached.] The draft agreement does not address the current or projected capacity of that plant to meet County needs nor the feasibility of making the installations proposed.

Miami Beach has reason to be concerned because of past sewage pipe ruptures into Biscayne Bay, and its recent experience with the installation of a county sewage line from South Pointe Park under Government Cut to Fisher Island.

A catastrophe in the installation of a sewage waste facility or in the disposal of those wastes would have severe impacts on the health, welfare and safety of the residents of Miami Beach, and could potentially affect the city's beaches and tourist economy.

For this reason, I urge the mayor and commissioners to adopt a resolution instructing the City Manager to take all necessary actions to participate, either formally or informally, in the process of this sewage waste contract review and to advise this body of any developments that should concern our residential, business and tourist community as well as steps the Mayor and Commissioners should take in order to protect our interests in the natural and economic environment.

#### ATTACHMENTS

RESOLUTION No. \_\_\_\_\_

WHEREAS, the Miami City Commission has authorized its city manager to negotiate a three-party agreement [Draft Agreement: Island Gardens at Watson Island, ID# 192402a] to move sewage waste estimated at an additional 198,018 gallons per day that would be created by the Watson Avenue Flagstone development, under Government Cut and Biscayne Bay to the county sewage processing

facility on Virginia Key; the parties to the agreement consisting of the City of Miami, Miami-Dade County, and the Flagstone development entity, and

WHEREAS, the City of Miami Beach has reason to be concerned because of past sewage pipe ruptures polluting the Bay and beaches, and its recent experience with the installation of a county sewage line from South Pointe Park under Government Cut to Fisher Island, and

WHEREAS, a catastrophe in the installation of sewer waste disposal facilities and the disposal of those wastes would have severe impacts on the health, welfare and safety of the residents of Miami Beach, and could potentially significantly affect the city's beaches and tourist economy,

NOW, THEREFOR, the Mayor and Commissioners do hereby instruct the City Manager to take all necessary actions to participate, either formally or informally, in the process of this sewage waste agreement currently being considered by the City of Miami, Miami-Dade County, and the developers of the Watson Island Flagstone Development, and advise this body of any aspect of this undertaking that should concern our residential, business and tourist community as well as steps the Mayor and Commissioners should take in order to protect the City's interests in the natural and economic environment.

PASSED AND ADOPTED \_\_\_\_\_

\_\_\_\_\_  
By Philip Levine, Mayor

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**EXHIBIT "C" OF AGREEMENT  
BETWEEN  
MIAMI-DADE COUNTY  
AND  
CITY OF MIAMI  
AND  
FLAGSTONE ISLAND GARDENS, LLC  
TO BE REVISED BY DEVELOPER AND COUNTY**

<u>TYPE AND NUMBER OF UNITS</u>	<u>GALLONAGE (gpd)</u>	<u>COMPLETION OF BUILDING CONNECTION</u>
Construct and connect to the County's water and sewer systems:		
13,800 sq-ft of banquet hall (w/out kitchen)	2,070	2015 - 2016
150 apartment units	22,500	2015 - 2016
75 marina slips	4,500	2015 - 2016
455 hotel rooms	45,500	2015 - 2016
328,030 sq-ft of retail store	32,803	2015 - 2016
22,070 sq-ft of bar or cocktail lounge	4,414	2015 - 2016
19,774 sq-ft of health spa or gym	1,977	2015 - 2016
25,475 sq-ft of office building	1,274	2015 - 2016
82,980 sq-ft of full service restaurant	82,980	2015 - 2016